IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.14448 of 2005

Date of Decision: 15.1.2007

Karam Singh .....Petitioner

Versus

State of Punjab & others .....Respondent

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.APS Deol, Advocate
for the petitioner.

Mr.BS Chahal, AAG Punjab.

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J.S.KHEHAR, J.(Oral)

The substantive prayer made in the instant writ petition is for a direction to the respondent-authorities to release pension and all other retiral benefits to the petitioner. It this behalf, it will be pertinent to mention that a joint written statement has been filed on behalf of respondents 1 to 3 and a separate written statement has been filed on behalf of respondent No.4. Respondent No.4 which represents the Vigilance Department of the State Government in its written statement notices as under:

> "In reply to para No.3 of the petition, it is submitted that the complaints were received against the petitioner and the same were enquired by the Vigilance Department and the petitioner was found guilty during investigation as detailed above. After completing the investigation, the case was sent to parental department (Irrigation Department) of the petitioner by the

> Punjab Govt. Vigilance Department, vide letter 25195 VB/S-6 dated Chandigarh 9.9.02 (copy of the letter is Annexure R-1) and it was requested to the Irrigation Department that action be taken at the level of their department against the petitioner and in case parental Department wants that criminal proceedings be launched against the petitioner, then information be sent to the Vigilance Department immediately, but Irrigation Department did not give any information whatsoever, to the letter of the Vigilance Department dt.9.9.02 so far in any manner even till today petitioner's department has not informed the Vigilance Department whether any action or departmental inquiry was initiated against the petitioner."

From a perusal of the written statement filed on behalf of respondent No.4, it is apparent that action, if any, had to be taken by the Administrative Department of the petitioner. The question as to whether any action has been taken against the petitioner by the Department has to be determined from the written statement jointly filed on behalf of respondents No.1 to 3. A perusal thereof reveals nothing of the sort. In fact, we required learned counsel for the respondents to indicate from the written statement jointly filed on behalf of respondents No.1 to 3 the precise reason which had prevented respondents No.1 to 3 from releasing 100% pension and other retiral benefits to the petitioner. Despite opportunity afforded, nothing was brought to our notice.

In our order dated 8.12.2006, we had taken notice of the fact that in so far as the enquiry as conducted by the Vigilance Department was concerned, the same pertained to the allegations for the period from March,

1992 to February 1997. In so far as the departmental enquiry is concerned, it is not open to the Administrative Department to take any action against the petitioner on the administrative side in view of the mandate of Rule 2.2 (b) of the Punjab Civil Services Rules, Vol.II. It is, therefore, clear that there remains no justification whatsoever at this juncture for not releasing to the petitioner 100% pension and other retiral benefits.

Accordingly, the respondents are directed to calculate all the aforestated retiral benefits due to the petitioner within two months from the date of receipt of certified copy of the order and release the same to him within a further period of one month.

Allowed in the aforesaid terms.

Copy of the order be furnished to the learned counsel for the parties dasti on payment of usual charges.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

January 15, 2007
SRM